



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/651,329

08/28/2003

Jeff Hodson

6065-85071

7836

24628

7590

05/19/2011

Husch Blackwell LLP

Husch Blackwell Sanders LLP Welsh & Katz

120 S RIVERSIDE PLAZA

22ND FLOOR

CHICAGO, IL 60606

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/19/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/651,329	HODSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RASHA AL AUBAIDI	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This in response to amendment filed 03/15/2011. No claims have been added. No claims have been canceled. Claims 1 and 21 have been amended. Claims 1-25 are still pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2614

3. Claims 1, 11-15 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Beck (US PAT # 6,108,711) in view of Kishinsky et al. (US PAT # 6,067,357) and further in view of Goldberg et al. (US PAT # 6,411,683).

Regarding claims 1, 11 and 21, Beck teaches a method of guiding a conversation taking place between a client (customer a and b as shown in Fig. 2) and a live agent (agent a and b as shown in Fig. 2) through a communication system (such as the network shown in Figs. 1-2), such method comprising: automatically (this is inherent within the teachings of Beck) detecting an identity of the client (this reads on the caller ID, See col. 1, lines 57-col. 2, lines 1-5) and information content of the conversation (col. 4, lines 54-67); automatically (this is done by a processor, such as 61 or any other processor that capable of performing this functionality, see col. 6, lines 12-42); automatically determining a goal of the client from the detected information content (this simply reads on what does the client desire **or** the purpose of the call which believed to be obvious or inherent limitation within the teachings of any call centers, and such as the one taught by Beck); and the processor automatically promoting the agent (this reads on the use of intelligent peripheral 59, see col. 6, lines 15-17) with suggested subject matter to the agent to guide the conversation towards the goal of the client (see col. 12, lines 18-21).

Beck does not specifically teach automatically determining a conversational goal and suggesting a subject matter and responses based upon the detected information... etc.

However, Kishinsky teaches in a management of call center systems an executable software module compiled from the generated Petri Net and is adapted to provide a displayable script for an agent at an agent station in a telephony call center. Kishinsky teaches creating a script for directing an agent in a call center in conducting an interview with a client in a telephone conversation. Such scripts in practice are sent to an agent's station to be displayed as an aid in guiding the agent in conducting operations in the call center, such as interacting with a client on a call (see col. 3, lines 50-55 and col. 4, lines 11-17). Note that the claimed feature of "during the conversation" is already taught by Kishinsky (see col. 4, lines 14-17), since these scripts are presented to the agent at the agent station to aid the agent in guiding conversation with a client on call.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate feature of having a ready scripts to be viewed when an agent handling a call with client, as taught by Kishinsky, into the into the beck system's in order to enhance the system's efficiency by providing an efficient and extended customer service to the callers. Also, having ready scripts that aids the agent in handling different aspects of customer's inquiries and requests will absolutely speed

Art Unit: 2614

the processing of handling customers communications. Also, for the claimed feature of “automatically” as recited in the claim’s language, In re Venner, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958); the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient over prior art.

The combination of Beck and Kishinsky does not specifically teach “monitoring the ongoing conversation” as recited in the claim’s language.

However, Goldberg teaches that a system monitors the conversation of an ongoing telephone call by utilizing voice recognition software resident in a network to detect the use of the keywords in the conversation. The keywords used in the conversation are correlated to the topic designation(s) associated with the keywords. Based on the correlation of the keywords to the topic designation(s) associated with the keywords, a topic for the ongoing telephone call is designated (see abstract of the invention).

Thud, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of automatically monitoring the ongoing conversation, as taught by Goldberg, into the combination of Beck and Kishinsky in order to provide speed and convenience of detecting and determining the goal and need of the client and providing the most efficient responses. This overall will improve

Art Unit: 2614

the system's efficiency and performance and provide better services to clients/callers of the call center.

Claims 2 and 12 limitations are obvious and well known in the art. This basically reads on finding client's preferences based on certain words spoken by the client.

Claims 3 and 13 are obvious and well known in the art.

Regarding claim 15, Beck teaches recognizing a voice content of a conversation between the client and the agent (see col. 7, lines 48-65).

Regarding claim 22, Beck teaches determining an identity of the client from the detected information content (see col. 1, lines 57-67).

Regarding claim 23, Beck teaches retrieving contact information based upon the determined identity of the client (see col. 4, lines 65-67 and col. 2, lines 1-4).

4. Claims 4-10, 14, 16-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. in view of Kishinsky and further in Goldberg et al. (US PAT # 6,411,683) in view of Bohacek et al. (US PAT # 6,411,687).

Regarding claims 6 and 16, the combination of Beck, Kishinsky and Goldberg does not specifically teach performing stress analysis on a voice of a client.

However, Bohacek teaches a speech recognition device that detects high stress or annoyed callers (see abstract of the invention and col. 1, lines 45-52).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing and detecting the high stressed voice of a caller, as taught by Bohacek, into the combination of Beck, Kishinsky and Goldberg in order to provide an enhanced and efficient services to the callers by maintaining happier and satisfied clients/callers. For “modifying suggested responses in response ...etc.” see Bohacek col. 3, lines 60-67 through col. 4, lines 1-8

Regarding claims 4 and 14 see Bohacek col. 1, lines 45-46 and lines 61-67 and col. 2, lines 2-53.

For claims 5 and 24 limitations see Bohacek col. 1, lines 61-67 and col. 3, lines 60-67 through col. 4, lines 1-8

Claims 7 and 25 limitations are obvious and well known in the art.



Regarding claim 17, Bohacek teaches measuring a voice pitch of the voice of the client (see col. 3, lines 55-59).

Regarding claims 8 and 18, Bohacek teaches measuring a word rate of the voice of the client (this preformed by word analyzer 44, see col. 3, lines 7-54 and Fig. 4).

Claims 9-10 and 19-20 recite displaying a text message on a terminal used by the agent. Beck teaches an agent work station that is equipped with a PC capable of handling different multimedia. Thus displaying the suggestion either by text or in the form of an audible message is obvious if not inherent in the Beck system.

### ***Response to Arguments***

5. Applicant's arguments have been fully considered but have been found not persuasive.

Applicant argues (Pages 8-9 of the Remarks) that “neither reference concerns automatic monitoring and analysis of ongoing conversations between an agent and a caller, and thus do not teach automatically detecting information content of the conversation, automatically determining conversational goals from the conversation information content, nor suggesting subject matter of responses to agents during the conversation based upon those determined goals or adapting the conversational

Art Unit: 2614

context to changes during the conversation as claimed in independent claims 1, 11 and 21". The Examiner respectfully disagrees with Applicant's arguments because first, it is noted that Applicant arguing each reference individually and not considering the 35.U.S.C 103 (a) rejection as a whole. Second, the Examiner states that the combination of Beck, Kishinsky and Goldberg teaches the above limitations. In general the provided combination teaches providing scripts that are presented to the agent at the agent station to aid the agent in guiding conversation with a client on call. Off course the mentioned scripts will be provided "during the conversation" (see, Kishinsky col. 4, lines 14-17). Note the claimed features of "automatic monitoring" and "analysis of ongoing conversations between an agent and a caller" is already taught in the references see Beck (col. 3, lines 58-62). In addition without monitoring and analysis this will render the Beck reference for example useless.

Also, for applicant's argument (Pages 8-9 of the Remarks) regarding the automation of "monitoring" and "analysis", first, the examiner believes that none of the applied art specifically states that the "monitoring" and the "analysis" are done manually. Second, In re Venner, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958); the court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient over prior art.

Applicant also argues (Page 9 of the Remarks) that "Beck does not teach automatically determine the client's desires or purpose of the call during the call".

Art Unit: 2614

However, the Examiner disagrees respectfully with Applicant's argument because, first, limitation simply reads on what does the client desire **or** the purpose of the call which believed to be obvious or inherent limitation within the teachings of any call centers, and such as the one taught by Beck. Second, Kishinsky teaches that a "customer telephone the call center wishing to find out about the availability of items in a catalog, status of an order, delivery options, and so forth...etc (see col. 8, lines 60-68). Thus, it is clear that determine the client's desires or purpose of the call during the call is a well know limitation in the art of telephony.

Applicant also argues (Page 10 of the Remark) that "The Office Action also asserts that Beck discloses suggesting subject matter at Col. 12, lines 18-21. However, , Beck merely discloses providing predetermined scripts (Col. 12, lines 20-21) but does not disclose providing subject matter and responses based upon the detected content and goals". Again, it is noted that applicant is arguing each reference individually, because the Examiner asserted in the office action that "Beck does not specifically teach automatically determining a conversational goal and suggesting a subject matter and responses based upon the detected information... etc" (see above rejection) and therefore, the Examiner introduced Kishinsky that teaches creating a script for directing an agent in a call center in conducting an interview with a client in a telephone conversation. Such scripts in practice are sent to an agent's station to be displayed as an aid in guiding the agent in conducting operations in the call center, such as interacting with a client on a call (see col. 3, lines 50-55 and col. 4, lines 11-17). Note

Art Unit: 2614

that the scripts are designed to guide the conversation and part of that to determine how the agents will provide the best answer or response to the client/customer.

Applicant also argues (Page 11 of the remark) that "there is no teaching or suggestion in Kishinsky or Beck to provide adaptive scripts...etc". However, the claim's language does not specifically recite "adaptive scripts". The claim's language as presented is broad. In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrace Roots Enter Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill- Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir.2003).

Examiner believed that all other arguments are already addressed in the above rejection.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2614

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S. AL-Aubaidi/

Primary Examiner, Art Unit 2614